FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR
WRIT PETITION NO: 4659/2007
{Shri Ganpat s/o Adkuji Deshmukh vs. Divisional Controller MSRTC Bhandara and others }

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.	Court's or Judges Order

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Mr. P.Y. Khandpaole, Adv. for petitioner
Mr. A.S. Sonare, AGP for Respondent No.4

CORAM: A.H.JOSHI, J.
DATED: 27th November, 2007.

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Petitioner who was working as Driver in the employment of Maharashtra State Road Transport Corporation (MSRTC) suffered dismissal order which is challenged by the Complaint of unfair labour practice. By order dated 29.5.1987, learned Presiding Officer, Labour Court, Bhandara, dismissed petitioner's complaint holding that petitioner herein had failed to prove the allegation of commission of unfair labour practice since it was a case of misconduct, proved in the departmental inquiry conducted in observance of the principles of

natural justice. The findings were well-supported and hence no fault could be found with the employer's decision.

2. Revision Petition filed by the petitioner was also dismissed by Industrial Court, Nagpur who, upheld the judgment of the Labour Court.

3. In this petition, the said judgment delivered in Revision (ULP) No.12/1989 dated 25th November, 1994 is challenged.

4. Challenge to the holding of inquiry is reiterated in the petition and oral submissions. The petitioner, however, has failed to pin-point and demonstrate as to how and which circumstances were not taken into account by the Labour Court and/or Industrial Court, due to which petitioner's challenge to these concurrent judgments could be sustained and upheld. The petitioner has lost sight of the fact that bare reiteration of a grievance of non-observance of principles of natural justice does not suffice and he has to

demonstrate on facts as to certain failures or overt acts of the employer which resulted in denying to the petitioner reasonable and fair opportunity of hearing. An assessment of value of evidence or wait thereof, is a matter of appreciation of evidence. Challenges thereto is also not sustainable in absence of findings being shown and challenged on account of being perverse or the conclusions being reached, which could be said to be wholly impermissible.

5. In these premises, no interference is called for. Writ Petition is dismissed.

JUDGE

sahare